

for American aerospace workers after it became clear that negotiations with the Europeans were going nowhere. As a result, the WTO is now considering the subsidies case through its dispute settlement body.

The Senate is on record against Airbus subsidies. On April 11, 2005, the Senate unanimously passed S. Con. Res. 25. That is a resolution which called for European governments to reject launch aid for the A350 and for President Bush to take any action that he "considers appropriate to protect the interests of the United States in fair competition in the large commercial aircraft market." The resolution also specifically encouraged the U.S. Trade Representative to file a WTO case unless the EU eliminates launch aid for the A350 and all future models.

The production of large civilian aircraft is now a mature industry in both the United States and Europe. It is now time that market forces—market forces, not government aid—determine the future course of this industry.

That crossroad I mentioned is coming up on us quickly. One road will leave American workers in a fight for their jobs, with the game stacked against them. The other road will give us a fair playing field where American workers can win through their hard work and American ingenuity. I hope for our country's future that we choose the right course, and it begins by sending a clear message from our government to Europe that the United States will not tolerate another round of illegal subsidies that kill American jobs. The clock is running, and the choice is ours.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. JEFFORDS. Mr. President, I rise today in opposition to a constitutional amendment that would ban flag burning and other acts of desecration.

As I said during the recent debate on the Federal marriage amendment, I am very troubled by priorities put forth by the Senate majority. Our domestic programs are facing serious budget cuts. Millions of Americans are without health insurance. Gas prices are out of control while our Nation's reliance on foreign oil shows no sign of easing. And we still have no strategy for the war in Iraq. However, the Senate leadership has chosen to spend a portion of our limited days in session to bring up a constitutional amendment to ban flag burning.

Once again, we seem to be searching for a solution in need of a problem, and I am afraid the reason we are spending time on this topic is only for political gain.

As a veteran with 30 years in the U.S. Navy and the U.S. Naval Reserve, I know the pride that members of our Armed Forces feel when they see our flag, wherever they may be in the world. I share the great respect that Vermonters and Americans have for that symbol. I personally detest the notion that anyone would choose to burn a flag as a form of self-expression.

Members of the military put their lives on the line every day to defend the rights guaranteed by the U.S. Constitution. It is disrespectful of these sacrifices to desecrate the flag.

However, in my opinion, our commitment to free speech must be strong enough to protect the rights of those who express unpopular ideas or who choose such a distasteful means of expression. This concept is at the core of what we stand for as Americans.

Mr. President, I have given this constitutional amendment a great deal of thought. I must continue to oppose this amendment because I do not think we should amend the Bill of Rights unless our basic values as a nation are seriously threatened. In my view, a few incidents of flag burning, as upsetting as they may be, do not meet this high standard.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mrs. FEINSTEIN. But that it would be acceptable for me to speak on the pending business, which is the flag amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FLAG PROTECTION AMENDMENT

Mrs. FEINSTEIN. Mr. President, I rise as the main Democratic sponsor of this amendment. I have given this a lot of thought for a long time. I believe what we have before us is language that is essentially content neutral. It is on conduct—not speech. I will make that argument later on in my remarks, but I begin my remarks with how I came to believe that the American flag is something very special.

For those of us who are westerners, the Pacific battles of World War II had very special significance.

Reporters were not embedded, there was no television coverage, and the war in the Pacific was terrible—*island battle* after *island battle*—the death march at Guadalcanal, Tarawa, and onward.

On the morning of February 24, 1945, I was a 12-year-old. I picked up a copy of the San Francisco Chronicle. There on the cover was the now iconic photograph done by a Chronicle photographer by the name of Joe Rosenthal, and it was a photograph of U.S. marines struggling to raise Old Glory on a promontory, a rocky promontory above Iwo Jima.

For me—at that time as a 12-year-old—and for the Nation, the photo was a bolt of electricity that boosted morale amidst the brutal suffering of the Pacific campaign.

The war was based on such solid ground and victory was so hard-pressed that when the flag unfurled on the rocky promontory on Iwo Jima, its symbolism of everything courageous about my country was etched into my mind for all time. This photo cemented my views of the flag for all time.

In a sense, our flag is the physical fabric of our society, knitting together disparate peoples from distant lands, uniting us in a common bond, not just of individual liberty but also of responsibility to one another.

Supreme Court Justice Felix Frankfurter called the flag "The symbol of our national life." I, too, have always looked at the flag as the symbol of our democracy, our shared values, our commitment to justice, our remembrance to those who have sacrificed to defend these principles.

For our veterans, the flag represents the democracy and freedom they fought so hard to protect. Today there are almost 300,000 troops serving overseas, putting their lives on the line every day to fight for the fundamental principles that our flag symbolizes.

The flag's design carries our history. My proudest possession is a 13-star flag. When you look at this flag, now faded and worn, you see the detail of the 200-year-old hand stitching—and the significance of every star and stripe.

The colors were chosen at the Second Continental Congress in 1777. We all know them well: Red for heartiness and courage; white for purity and innocence; blue for vigilance, perseverance, and justice. Even the number of stripes has meaning—13 for 13 colonies.

Our flag is unique not only in the hearts and minds of Americans, but in our laws and customs as well. No other emblem or symbol in our Nation carries with it such a specific code of conduct and protocol in its display and handling.

For example, Federal law specifically directs that the flag should never be displayed with its union down, except as a signal of dire distress or in instances of extreme danger to life or property.

The U.S. flag should never touch anything beneath it: neither ground, floor,